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OFFICE OF PETITIONS

In re Application of :
Mustafa Erhan Say :
Application No. 09/811,711 :
Filed: 3/19/2001 :
Attorney Docket No. 517-1001 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed 22 June 2005, to revive the above-identified application.

The petition is **DISMISSED as moot for the reasons set forth below.**

The above identified application, filed on March 19, 2001, and a restriction requirement was mailed on January 12, 2004 between the method for auctioning products (claims 1-11) and the method for providing information (claims 12-20). Applicant elected method claims 1-11 for further prosecution, and properly indicated claims 12-20 as withdrawn from further consideration.

Prosecution on the merits was closed with the final rejection that was mailed on October 19, 2004. Applicant filed a request for continued examination with an amendment on April 18, 2005 along with an extension of time for three months. The amendment filed with the request did not include the proper claim status identifiers for claims 12-20, which were previously withdrawn from consideration after restriction.

A Notice of Non-compliance was mailed on April 25, 2005 setting a one (1) month time period for reply. A reply was received on May 13, 2005 and a second Notice of Non-compliance was mailed on May 31, 2005, which stated that the period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The application is therefore not abandoned and the applicant is permitted to purchase extensions of time up to five (5) months. In view thereof the petition fee is being refunded, and the petition will be treated as a request for an extension of time.

This matter is being referred to Technology Center AU 3627 for evaluation of the reply received on June 22, 2005.

Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

Karen Cressy for

Brian Hearn

Petitions Examiner

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for Patent Examination Policy